

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: 23ANDME, INC. CUSTOMER DATA  
SECURITY BREACH LITIGATION

MDL No. 3098

MONICA SANTANA, et al,

No. 3:23-cv-05147-EMC

Plaintiffs,

v.

23ANDME, INC.,

Defendant

**[PROPOSED] ORDER GRANTING  
MOTION TO APPOINT  
CARI CAMPEN LAUFENBERG  
AS INTERIM CO-LEAD COUNSEL**

Judge: Hon. Edward M. Chen  
Courtroom: 5, 17th Floor  
Hearing Date: June 6, 2024  
Hearing Time: 1:30 p.m.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Before the Court are plaintiffs' counsel's motions for appointment as interim lead class counsel and/or appointment to a leadership position. The court [having heard argument] and having considered counsel's written submissions, appoints plaintiffs' leadership counsel as follows:

**Interim Co-Lead Counsel:**

[TO BE COMPLETED BY COURT].

Interim Co-Lead Counsel are designated to "act on behalf of a putative class before determining whether to certify the action as a class action" and are responsible for coordinating pretrial proceedings.

1 Fed. R. Civ. P. 23(g)(3).

2       The following defines the duties and responsibilities of Interim Co-Lead Counsel as set forth  
3 herein. Counsel for any party in this action may rely on the conduct and representations of Interim Co-  
4 Lead Counsel on behalf of any class or classes in all actions consolidated before this Court (the “Class”)  
5 for any issue in the litigation consistent with the Rules of Procedure of the United States Judicial Panel  
6 on Multidistrict Litigation (“MDL Panel”). This includes but is not limited to the authority to engage  
7 in the following activities:

8           1.       To oversee case management and develop and implement a litigation plan, including  
9 strategic planning in all respects relating to Class claims, which shall be directed via careful oversight  
10 and management of all work on behalf of the Class;

11           2.       To draft, authorize, sign and file all pleadings and motions related to all actions on  
12 behalf of the Class, including but not limited to all filings with the MDL Panel as well as those  
13 consolidated in this Court, and any appellate or amicus briefs;

14           3.       To draft, authorize, sign and file all motions and other requests for relief related to all  
15 actions on behalf of the Class, including all briefs relating to Defendant’s motions and other requests  
16 for relief, as well as those by third parties, including but not limited to governmental entities or other  
17 interested parties;

18           4.       To communicate with the Class regarding the status of the pending action;

19           5.       To propound, seek and respond to discovery, including but not limited to written  
20 discovery, the taking or defending of depositions, and motion practice related thereto;

21           6.       To conduct informal discovery, including but not limited to informal investigation and  
22 related activities needed to support Plaintiffs’ claims;

23           7.       To take steps necessary to effectuate litigation to pursue Class claims, including  
24 managing document review and analysis and any other logistical matters that support formal and  
25 informal discovery efforts in this action;

26           8.       To retain vendors, experts and consultants on behalf of the Class;

27           9.       To appear, argue and determine who shall present on behalf of the Class at status  
28 conferences and hearings;

1       10. To enter into stipulations, agreements and joint prosecution agreements on behalf of the  
2 Class;

3       11. To enter into tolling agreements and negotiations on behalf of the Class with any  
4 Defendant or potential defendant, including any previously named defendant not named in any  
5 consolidated complaint(s) on behalf of the Class;

6       12. To assess and select class representatives and determine the claims brought on behalf of  
7 the Class;

8       13. To implement and enforce a protocol for attorneys' fees, expenses, and/or costs for the  
9 Court's approval to ensure that fees, expenses, and/or costs incurred are reasonable and necessary to  
10 the litigation. The protocol shall address, e.g., the exercise of billing judgment; the maintenance of  
11 contemporaneous, detailed time records; the periodic reporting of fees, expenses and/or costs to  
12 Interim Co-Lead Counsel and/or the Court;

13       14. To engage in settlement discussions with Defendant and any other entities, including  
14 governmental or regulatory entities, to enter into settlement on behalf of the Class and to propose a  
15 plan of allocation;

16       15. To assess common litigation costs and collect such assessments;

17       16. To engage and oversee other qualified non-leadership counsel to perform common  
18 benefit work in the interest of maximizing efficiency;

19       17. To allocate fees and expenses among Co-Lead Counsel, other appointed leadership  
20 counsel, and any other counsel who performed common benefit work approved by Co-Lead Counsel  
21 for purposes of any submission to the Court for reimbursement and compensation, and following the  
22 award of any such fees and expenses, for disbursement to counsel, including the determination for  
23 common benefit work; and

24       18. To perform such other functions as necessary to effectuate these responsibilities or as  
25 may be expressly authorized by further Order of the Court.

26           No work shall be undertaken by any plaintiffs' counsel without the express advance  
27 authorization of Interim Co-Lead Counsel. Likewise, no pleadings, motions, discovery, or other  
28 pretrial proceedings shall be initiated or filed by any plaintiffs' counsel, except through Interim Co-

1 Lead Counsel or upon their express advance authorization.

2 IT IS SO ORDERED.  
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4 Dated: \_\_\_\_\_

5 Hon. Edward M. Chen  
6 United States Senior District Judge  
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